

GLIAL
F. #1998R00129.
ABOUSHI.IND

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

99-2752 Brown

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

-against-

AHMAD ABOUSHI, also known as
"Michael Aboushi,"
"Mike Bush," "Mike Boushard,"
"David Bushard," "John Bushard,"
"Charles Aboushi" and
"Charles Bush,"
EMAN ABOUSHI, also known as
"Eman Muhiesen" and "Maria,"
SHAWN STIEBEL, and
KEVIN ERIC GREEN, also known as
"Calvin," "Kevin Fudge" and
"Man,"

Cr. No. 98-124(S-1)(FB)
(T. 18, U.S.C., §§ 371,
659, 844(h), 924(c)(1),
982(a)(5), 1201(a)(1),
1201(c), 1512(b)(1),
1512(b)(2)(B), 1951,
2312, 2315, 2 and
3551 et seq.)

Defendants.

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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE GRAND JURY CHARGES:

COUNT ONE
(Robbery Conspiracy)

1. In or about and between March 1995 and March 1998,
both dates being approximate and inclusive, within the Eastern
District of New York and elsewhere, the defendants ~~AHMAD ABOUSHI~~,
also known as "Michael Aboushi," "Mike Bush," "Mike Boushard,"
"David Bushard," "John Bushard," "Charles Aboushi" and "Charles
Bush," ~~EMAN ABOUSHI~~, also known as "Eman Muhiesen" and "Maria,"
~~SHAWN STIEBEL~~, and ~~KEVIN ERIC GREEN~~, also known as "Calvin,"

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"Kevin Fudge" and "Man," together with others, knowingly and intentionally conspired to obstruct, delay, and affect commerce, and the movement of articles in commerce, by robbery, in that the defendants and others conspired to rob the drivers of trucks belonging to various businesses.

(Title 18, United States Code, Sections 1951 and 3551
et seq.)

COUNT TWO
(Kidnaping Conspiracy)

2. In or about and between March 1995 and March 1998, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and KEVIN ERIC GREEN, also known as "Calvin," "Kevin Fudge," and "Man," together with others, knowingly and intentionally conspired to unlawfully seize, confine, kidnap, abduct, carry away and willfully transport in interstate commerce persons, to wit: truck drivers, in violation of Title 18, United States Code, Section 1201(a)(1).

3. In furtherance of the conspiracy and to effect the objectives thereof, within the Eastern District of New York, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and KEVIN ERIC GREEN, also known as

"Calvin," "Kevin Fudge" and "Man," together with others, committed and caused others to commit the following:

OVERT ACT

4. On or about and between March 27, 1995 and March 28, 1995, Peter Stiebel, together with others, abducted the driver of a truck belonging to Highway Express, Inc. in Ringgold, Virginia and transported him to Brooklyn, New York.

(Title 18, United States Code, Sections 1201(c) and 3551 et seq.)

COUNT THREE

(Conspiracy to Possess Stolen Property
and Transport Stolen Motor Vehicles)

5. In or about and between 1987 and March 1998, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," EMAN ABOUSHI, also known as "Eman Muhlesen" and "Maria," SHAWN STIEBEL, and KEVIN ERIC GREEN, also known as "Calvin," "Kevin Fudge" and "Man," together with others, knowingly and intentionally conspired to: (1) possess goods and chattels having a value in excess of \$1000.00, which had been stolen from motor trucks, other vehicles, storage facilities, stations, and depots and which moved as and which constituted and which were part of interstate and foreign shipments of freight, express, and other

property, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 659; (2) transport various motor vehicles in interstate commerce, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2312; and (3) possess and sell goods, wares, and merchandise having a value of \$5,000.00 or more, which had crossed a State boundary after having been stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315.

6. In furtherance of the conspiracy and to effect the objectives thereof, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," EMAN ABOUSHI, also known as "Eman Muhlesen" and "Maria," SHAWN STIEBEL, and KEVIN ERIC GREEN, also known as "Calvin," "Kevin Fudge" and "Man," together with others, committed and caused others to commit the following:

OVERT ACTS

a. On or about and between March 27, 1995 and April 4, 1995, EMAN ABOUSHI, together with others, rented three trucks.

b. On or about and between March 27, 1995 and April 4, 1995, in Queens, New York, AHMAD ABOUSHI, SHAWN STIEBEL and Peter Stiebel, together with others, transferred cases of cigarettes

from a truck that was stolen in Ringgold, Virginia, into the three rental trucks referenced in subparagraph a above.

c. On or about April 4, 1995, AHMAD ABOUSHI and SHAWN STIEBEL drove one of the rental trucks referenced in subparagraph a above, from Queens, New York to Detroit, Michigan.

d. On or about May 27, 1995, KEVIN ERIC GREEN, Peter Stiebel and Glen Alan Moore followed two tractor trailer trucks containing cases of cigarettes from a R.J. Reynolds cigarette manufacturing facility in Winston-Salem, North Carolina to a truck stop near Lincoln, Alabama.

e. On or about and between December 18, 1995 and December 25, 1995, in Brooklyn, New York, AHMAD ABOUSHI, Peter Stiebel, and Narvis Benton transferred cases of cigarettes from a trailer that was stolen in Richmond, Virginia, into rental trucks.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FOUR

(Carrying and Using a Firearm During Crimes of Violence)

7. In or about and between March 1995 and March 1998, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," EMAN ABOUSHI, also known as "Eman Muhiesen" and "Maria,"

~~SHAWN STIEBEL~~, and ~~KEVIN ERIC GREEN~~, also known as "Calvin," "Kevin Fudge" and "Man," together with others, knowingly and intentionally used and carried a firearm during and in relation to crimes of violence, to wit: the crimes charged in Counts One and Two of this indictment.

(Title 18, United States Code, Sections 924(c)(1), 2 and 3551 et seq.)

COUNT FIVE
(Highway Express, Inc. Robbery)

8. On or about March 27, 1995, within the Eastern District of New York and elsewhere, the defendants ~~AHMED ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," ~~EMAN ABOUSHI~~, also known as "Eman Muhiesen" and "Maria," and ~~SHAWN STIEBEL~~, together with others, knowingly and intentionally obstructed, delayed, and affected commerce, and the movement of articles in commerce, by robbery, in that the defendants and others did rob the driver of a truck belonging to Highway Express, Inc.

(Title 18, United States Code, Sections 1951, 2 and 3551 et seq.)

COUNT SIX
(Kidnaping)

9. On or about and between March 27, 1995 and March 28, 1995, both dates being approximate and inclusive, within the

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Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly, intentionally, and unlawfully seized, confined, kidnaped, abducted, and carried away a person, to wit: the driver of a truck belonging to Highway Express, Inc., and willfully transported such person in interstate commerce.

(Title 18, United States Code, Sections 1201(a)(1), 2 and 3551 et seq.)

COUNT SEVEN

(Carrying and Using a Firearm During Crimes of Violence)

10. On or about and between March 27, 1995 and March 28, 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally used and carried a firearm during and in relation to crimes of violence, to wit: the crimes charged in Counts Five and Six of this indictment.

(Title 18, United States Code, Sections 924(c)(1), 2 and 3551 et seq.)

COUNT EIGHT
(Obstruction of Justice)

11. On or about March 27, 1995, within the Eastern District of New York, the defendant ~~AHMAD ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," did knowingly and intentionally corruptly persuade and attempt to corruptly persuade another person, with intent to cause and induce that person to conceal objects, to wit: a truck, with intent to impair the object's integrity and availability for use in an official proceeding.

(Title 18, United States Code, Sections 1512(b)(2)(B) and 3551 et seq.)

COUNT NINE
(Use of Fire In Connection with a Felony)

12. On or about March 27, 1995, within the Eastern District of New York and elsewhere, the defendant ~~AHMAD ABOUSHI~~ also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, did knowingly and intentionally use a fire to commit a felony which may be prosecuted in a court of the United States, to wit: the felony charged in Count Eight.

(Title 18, United States Code, Sections 844(h), 2 and 3551 et seq.)

COUNT TEN

(Theft From Interstate Shipment: Highway Express, Inc.)

13. On or about and between March 27, 1995 and April 4, 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and SHAWN STIEBEL, together with others, knowingly and intentionally possessed goods and chattels, to wit: cigarettes, having a value in excess of \$100.00, which were stolen from a motor truck and which moved as and which constituted and which were part of an interstate and foreign shipment of freight, knowing the same to have been stolen.

(Title 18, United States Code, Sections 659 (1995), 2 and 3551 et seq.)

COUNT ELEVEN

(Transportation of a Stolen Vehicle: Freightliner Tractor)

14. On or about and between March 27, 1995 and March 28, 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally transported a motor vehicle, to wit: a 1993 Freightliner tractor,

in interstate commerce, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2312, 2 and 3551 et seq.)

COUNT TWELVE

(Transportation of Stolen Property: Highway Express, Inc.)

15. On or about and between March 28, 1995 and April 4, 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and SHAWN SPIEBEL, together with others, knowingly and intentionally possessed and sold goods, wares, and merchandise, to wit: cases of cigarettes, having a value of \$500.00 or more, which had crossed a State boundary after having been stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315 (1995), 2 and 3551 et seq.)

COUNT THIRTEEN

(Amanday Express, Inc. Robbery)

16. On or about May 27, 1995, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi," and "Charles Bush" and KEVIN ERIC GREEN, also known as "Calvin," "Kevin Fudge"

and "Man," together with others, knowingly and intentionally obstructed, delayed, and affected commerce, and the movement of articles in commerce, by robbery, in that the defendants and others did rob the drivers of two trucks belonging to Amanday Express, Inc.

(Title 18, United States Code, Sections 1951, 2 and 3551 et seq.)

COUNT FOURTEEN
(Kidnaping)

17. On or about May 27, 1995, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and KEVIN ERIC GREEN, also known as "Calvin," "Kevin Fudge" and "Man," together with others, knowingly, intentionally, and unlawfully seized, confined, kidnaped, abducted, and carried away a person, to wit: the driver of a truck belonging to Amanday Express, Inc., and willfully transported such person in interstate commerce.

(Title 18, United States Code, Sections 1201(a)(1), 2 and 3551 et seq.)

COUNT FIFTEEN
(Carrying and Using a Firearm During Crimes of Violence)

18. On or about May 27, 1995, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI,

also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi," and "Charles Bush," and ~~KEVIN ERIC GREEN~~, also known as "Calvin," "Kevin Fudge," and "Man," together with others, knowingly and intentionally used and carried a firearm during and in relation to crimes of violence, to wit: the crimes charged in Counts Thirteen and Fourteen of this indictment.

(Title 18, United States Code, Sections 924(c)(1), 2 and 3551 et seq.)

COUNT SIXTEEN

(Theft From Interstate Shipment: Amanday Express, Inc.)

19. On or about and between May 27, 1995 and June 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ~~AMMAD ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and ~~KEVIN ERIC GREEN~~, also known as "Calvin," "Kevin Fudge," and "Man," together with others, knowingly and intentionally possessed goods and chattels, to wit: cigarettes, having a value of excess of \$100.00, which were stolen from two motor trucks and which moved as and which constituted and which were part of an interstate and foreign shipment of freight and other property, knowing the same to have been stolen.

(Title 18, United States Code, Sections 659 (1995), 2 and 3551 et seq.)

COUNT SEVENTEEN

(Transportation of Stolen Vehicles: Freightliner Tractors)

20. On or about and between May 27, 1995 and May 30, 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ~~ABOUSHI~~ ~~ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and ~~KEVIN ERIC GREEN~~, also known as "Calvin," "Kevin Fudge" and "Man," together with others, knowingly and intentionally transported two motor vehicles, to wit: a 1989 Freightliner tractor and a 1991 Freightliner tractor, in interstate commerce, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2312, 2 and 3551 et seq.)

COUNT EIGHTEEN

(Transportation of Stolen Property: Amanday Express, Inc.)

21. On or about and between May 27, 1995 and June 1995, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ~~ABOUSHI~~ ~~ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and ~~KEVIN ERIC GREEN~~, also known as "Calvin," "Kevin Fudge" and "Man," together with others, knowingly and intentionally possessed and sold goods, wares, and merchandise, to wit: cigarettes, having a value of \$500.00 or more, which had

crossed a State boundary after having been stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315 (1995), 2 and 3551 et seq.)

COUNT NINETEEN

(Bestway Freight Systems, Inc. Robbery)

22. On or about December 12, 1995, within the Western District of Pennsylvania, the defendant **AHMAD ABOUSHI**, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally obstructed, delayed, and affected commerce, and the movement of articles in commerce, by robbery, in that the defendant and others did rob the driver of a truck belonging to Bestway Freight Systems, Inc.

(Title 18, United States Code, Sections 1951, 2 and 3551 et seq.)

COUNT TWENTY
(Kidnaping)

23. On or about December 12, 1995, within the Western District of Pennsylvania, the defendant **AHMAD ABOUSHI**, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly, intentionally, and unlawfully seized, confined, kidnaped, abducted, and carried away a person,

to wit: the driver of a truck belonging to Bestway Freight Systems, Inc., and willfully transported such person in interstate commerce.

(Title 18, United States Code Sections 1201(a)(1), 2 and 3551 et seq.)

COUNT TWENTY-ONE
(Carrying and Using a Firearm During Crimes of Violence)

24. On or about December 12, 1995, within the Western District of Pennsylvania, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally used and carried a firearm during and in relation to crimes of violence, to wit: the crimes charged in Counts Nineteen and Twenty of this indictment.

(Title 18, United States Code, Sections 924(c)(1), 2 and 3551 et seq.)

COUNT TWENTY-TWO
(Theft From Interstate Shipment: Philip Morris)

25. On or about December 18, 1995, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally possessed goods and chattels, to wit: cigarettes, having a value

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in excess of \$100.00, which were stolen from a motor truck, other vehicle, storage facility, station, and depot and which moved as and which constituted and which were part of an interstate and foreign shipment of freight and other property, knowing the same to have been stolen.

(Title 18, United States Code, Sections 659 (1995), 2 and 3551 et seq.)

COUNT TWENTY-THREE

(Transportation of a Stolen Vehicle: International Harvester Tractor)

26. On or about December 18, 1995, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally transported a motor vehicle, to wit: a 1993 International Harvester Model F9400 tractor, in interstate commerce, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2312, 2 and 3551 et seq.)

COUNT TWENTY-FOUR

(Transportation of Stolen Property: Philip Morris)

27. On or about December 18, 1995, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi," and "Charles

Bush" together with others, knowingly and intentionally possessed and sold goods, wares, and merchandise, to wit: cigarettes, having a value of \$5,000.00 or more, which had crossed a State boundary after having been stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315 (1995), 2 and 3551 et seq.)

COUNT TWENTY-FIVE

(Theft From Interstate Shipment: Lorillard Tobacco Co.)

"28. On or about and between October 31, 1996 and November 1, 1996, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally possessed goods and chattels, to wit: cigarettes, having a value in excess of \$100.00, which were stolen from a motor truck, other vehicle, storage facility, station, and depot and which moved as and which constituted and which were part of an interstate and foreign shipment of freight and other property, knowing the same to have been stolen.

(Title 18, United States Code, Sections 659 (1995), 2 and 3551 et seq.)

COUNT TWENTY-SIX
(Transportation of a Stolen Vehicle: International
Harvester Tractor)

29. On or about and between October 31, 1996 and November 1, 1996, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ~~AHMAD ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally transported a motor vehicle, to wit: a 1990 International Harvester Model F8300 tractor, in interstate commerce, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2312, 2 and 3551 et seq.)

COUNT TWENTY-SEVEN
(Transportation of Stolen Property: Lorillard Tobacco Co.)

30. On or about and between October 31, 1996 and November 1, 1996, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ~~AHMAD ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally possessed and sold goods, wares, and merchandise, to wit: cigarettes, having a value of \$5,000.00 or more, which had crossed a State boundary after having been stolen, unlawfully

converted, and taken, knowing the same to have been stolen,
unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315, 2 and
3551 et seq.)

COUNT TWENTY-EIGHT

(Theft From Interstate Shipment: Lorillard Tobacco Co.)

31. On or about and between April 26, 1997 and May 1997, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ~~AMAD~~ ~~ABOUSHI~~, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally possessed goods and chattels, to wit: cigarettes, having a value in excess of \$1,000.00, which were stolen from a motor truck, other vehicle, storage facility, station, and depot and which moved as and which constituted and which were part of an interstate and foreign shipment of freight and other property, knowing the same to have been stolen.

(Title 18, United States Code, Sections 659, 2 and 3551
et seq.)

COUNT TWENTY-NINE

(Transportation of a Stolen Vehicle: Peterbilt Tractor)

32. On or about and between April 26, 1997 and May 1997, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ~~AMAD~~

ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally transported a motor vehicle, to wit: a 1992 Peterbilt Model 337 tractor, in interstate commerce, knowing the same to have been stolen.

(Title 18, United States Code, Sections 2312, 2 and 3551 et seq.)

COUNT THIRTY

(Transportation of Stolen Property: Lorillard Tobacco Co.)

33. On or about and between April 26, 1997 and May 1997, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant **AHMAD ABOUSHI**, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, knowingly and intentionally possessed and sold goods, wares, and merchandise, to wit: cigarettes, having a value of \$5,000.00 or more, which had crossed a State boundary after having been stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

(Title 18, United States Code, Sections 2315, 2 and 3551 et seq.)

COUNT THIRTY-ONE
(Conspiracy to Tamper with Witnesses)

34. In or about and between January 1996 and May 6, 1999, both being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi," and "Charles Bush" together with others, did knowingly and intentionally conspire to corruptly persuade persons, to wit, John Doe #1, John Doe #2, and John Doe #3, with intent to influence the testimony of such persons in an official proceeding, and to cause and induce such persons to withhold testimony from an official proceeding, in violation of Title 18, United States Code, Sections 1512(b) (1) and 1512(b) (2) (B).

35. In furtherance of the conspiracy and to effect the objectives thereof, within the Eastern District of New York and elsewhere, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," and his co-conspirators committed and caused to be committed the following:

OVERT ACTS

a. In or about January 1996, the defendant AHMAD ABOUSHI discussed killing John Doe #1, whose identity is known to the grand jury.

b. In or about August 1997, AHMAD ABOUSHI threatened to make John Doe #2, whose identity is known to the grand jury, "food for the fish."

c. In or about March 1998, AHMAD ABOUSHI provided money to others that was used to pay John Doe #3, whose identity is known to the grand jury.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT THIRTY-TWO
(Witness Tampering)

36. In or about January 1996, within the Southern District of Florida, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, did knowingly and intentionally attempt to corruptly persuade a person, to wit, John Doe #1, whose identity is known to the grand jury, with intent to influence the testimony of such person in an official proceeding, and to cause and induce such person to withhold testimony from an official proceeding.

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(B), 2 and 3551 et seq.)

COUNT THIRTY-THREE
(Witness Tampering)

37. In or about August 1997, within the Southern District of Florida, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard,"

"John Bushard," "Charles Aboushi" and "Charles Bush," did knowingly and intentionally attempt to corruptly persuade a person, to wit, John Doe #2, whose identity is known to the grand jury, with intent to influence the testimony of such person in an official proceeding, and to cause and induce such person to withhold testimony from an official proceeding.

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(B) and 3551 et seq.)

COUNT THIRTY-FOUR
(Witness Tampering)

38. In or about and between March 1998 and January 1999, both dates being approximate and inclusive, within the Eastern District of New York elsewhere, the defendant **AHMAD ABOUSHI**, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," together with others, did knowingly and intentionally attempt to corruptly persuade a person, to wit, John Doe #3, whose identity is known to the grand jury, with intent to influence the testimony of such person in an official proceeding, and to cause and induce such person to withhold testimony from an official proceeding.

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(B), 2 and 3551 et seq.)

COUNT THIRTY-FIVE
(Criminal Forfeiture Allegation)
(Forfeiture)

39. As a result of the offenses charged in Counts 11, 23, 26 and 29 of this indictment, the defendant AHMAD ABOUSHI, also known as "Michael Aboushi," "Mike Bush," "Mike Boushard," "David Bushard," "John Bushard," "Charles Aboushi" and "Charles Bush," shall forfeit to the United States any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts 11, 23, 26 and 29 of this indictment, up to the value of \$2,945,637.00.

40. If any of the above-described forfeitable property, as a result of any act or omission of the defendant,
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982 and Title 21, United States Code,

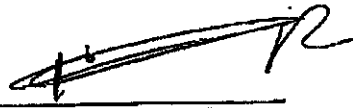
25

Section 853, to seek forfeiture of any other property of the defendant AHMAD ABOUSHI up to the value of the property described in paragraph 39 of this indictment.

(Title 18, United States Code, Section 982(a)(5)


(1997))

A TRUE BILL



FOREPERSON

ZACHARY W. CARTER
UNITED STATES ATTORNEY-
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.131

No. _____
UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

AHMAD ABOUSHI, ET AL.

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 371, 659, 844(h), 924(c)(1),
982(a)(5), 1201(a)(1), 1512(b)(1), 1512(b)(2)(B)
1951, 2312, 2325, 2, and 3551 et seq.)

A true bill.

Foreman

Filed in open court this _____ day.

Of _____ A.D. 19 _____

Clerk

Bail, \$ _____

ELIZABETH LESSER, AUSA (718) 254-6343